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Dated this 11<sup>th</sup> day of July, 2000.

- Brief of Appellants (in triplicate)
- Transmittal letter (in triplicate)
- Check for \$300
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Respectfully submitted,



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:	Scott R. Watterson and William T. Dalebout	)	
		)	
Serial No.:	08/942,810	)	
		)	
Filed:	October 2, 1997	)	
		)	
For:	REORIENTING TREADMILL	)	Art Unit
		)	3764
Examiner:	G. Richman	)	
		)	
Appeal No.:	_____	)	

Box Board of Patent Appeals & Interferences  
The Honorable Assistant Commissioner of Patents  
Washington, D.C. 20231

Enclosed is the Appeal Brief of Appellant, ICON HEALTH & FITNESS, INC., from the final rejection of the Examiner dated November 22, 1999, rejecting Claims 21-37.

Dated this 11<sup>th</sup> day of July, 2000.

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		)	
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The Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

**BRIEF OF APPELLANTS**

This is an appeal from the final rejection of the Examiner dated November 22, 1999 rejecting Claims 21-37. This Brief is being filed under the provisions of 37 C.F.R. § 1.192. This Brief is accompanied by the requisite fee of \$300 as set forth in 37 C.F.R. § 1.17(c).

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## **LIST OF REFERENCES**

### **U.S. Patent Documents**

U.S. Patent No. 5,207,622 to *Wilkinson et al*  
U.S. Patent No. 4,679,787 to *Guilbault*  
U.S. Patent No. 4,664,646 to *Rorabaugh*  
U.S. Patent No. 4,340, 766 to *Teague, Jr. et al*  
U.S. Patent No. 4,026,545 to *Schoneneberger*

### **Foreign Patent Documents**

### **Other Documents**

## **I. REAL PARTY IN INTEREST**

The real party in interest comprises ICON Health and Fitness, Inc. by way of assignment from Scott R. Watterson and William T. Dalebout, who are the named inventors and are captioned in the present application being examined. The assignment document was recorded at Reel/Frame 7858/0249 in the United States Patent and Trademark Office.

## **II. RELATED APPEALS AND INTERFERENCES**

None.

## **III. STATUS OF CLAIMS**

Claims 21-37 are pending in this application.

## **IV. STATUS OF AMENDMENTS**

The Appellant did not submit any amendments subsequent to the Final Rejection.

## **V. SUMMARY OF INVENTION**

The Appellant's invention is related to motorized exercise treadmills with a tread base that may be reoriented from a first or exercise position to a second or upright storage position, (Specification, p. 2, lines 5-8). The treadmill has a support structure configured to be freestanding and to stably support the treadmill and, more specifically, the tread base in multiple orientations.

The tread base has a left side, a right side, a front and a rear, (Figs. 1 and 2). An endless belt is positioned between the left side and the right side, (Figs. 1 and 2). The endless belt or tread is configured to receive a user thereon to perform exercises such as running, walking, jogging or the like. The tread base is rotatably connected to the support structure to be reorientable between a first position, in which the endless belt is positioned for operation by a user, and a second position, in which the rear of the tread base is positioned or moved toward the upright structure for storage. *See Specification, p. 9, line 19-24.*

A lift assist is also provided to apply a force or torque urging the tread base from the first position toward the second stored position. The lift assist may be achieved by positioning the motor, the flywheel and other components forward of the axis about which the tread base pivots, such that the weight of such components creates a counterbalance upon rotation of the tread base. *See Specification, p. 15, lines 17-23; p. 21, lines 10-30; p. 22, lines 1-26.* The lift assist may also comprise a gas cylinder, coupled between the support structure and the tread base, to provide a torque force that reduces the lifting force required to rotate the tread base. *See Figs. 12 and 13.*

Figure 1 shows the treadmill support structure (14) to which the tread base (10) is rotatably attached at the base axis (52). The support structure (14) comprises feet means (38) and an upright structure (42) that extends upwardly from the feet means (38). Pg. 9, *11.1-5*. The support structure (14) is shown in Figure 1 to have a forward cross member (58) connected to the foot means (38) and a rear cross member support (62). Pg. 10, *11.3-10*. Figure 1 and Figure 2 show that the tread base (10) is selectively movable between a first position or operating position (Figure 1) and a second position or stored position (Figure 2). To ease the operator in raising the tread base (10), Figure 12 shows a gas cylinder (505) attached to the tread base (504) and the support structure (501). Pg. 25, *iL 18-30*; Pg. 26, *11.1-2*. The gas cylinder (505) provides a



torque force (TF) which assists to overcome the gravitational force (GF) resisting opposing the lifting force (LF) as shown in Figure 12. Pg. 26, 11.3-9. As discussed, all of the elements of Claim 21 are grounded in the specifications.

Independent Claim 25 recites a treadmill comprising (A) a support structure; (B) a tread base rotatably attached to the support structure such that the tread base is selectively moveable between an operating position and a storage position; and (C) lift assist means, connected between the support structure and the tread base, for assisting the user in rotating the tread base between the operating position and the storage position. As discussed above, Figure 1 and 2 aptly show the support structure and rotatable tread base. Figure 12 and 13 also show the lift assist means in the form of a gas spring. As detailed on page 15, lines 17-23, page 21, lines 10-30, and page 22, lines 1-26, a lift assist means may also be formed by placing the motor, flywheel and other components forward of the pivot axis, such that a cantilever effect is produced by the selective placement of the center of gravity. The cantilever effect provides a counterbalancing mechanism when the tread base is rotated toward the storage position, reducing the amount of force required to rotate the tread base.

Independent Claim 31 recites a treadmill comprising a tread base rotatably attached to a support and a gas spring connected between the tread base and the support for providing an upward force to assist a user in rotating the tread base between an operating position and a storage position. The elements of Claim 31 are also found in the specifications as previously discussed.

## VI. ISSUES

Issue 1: Whether Claims 21-34 are unpatentable under 35 U.S.C. § 103(a) over *Rorabaugh* (U.S. Patent No. 4,664,646) in view of *Teague, Jr.* (U.S. Patent No. 4,370,766).

Issue 2: Whether Claim 35 is unpatentable under 35 U.S.C. § 103(a) over *Rorabaugh* in view of *Teague, Jr.* as applied to the claims above, and further in view of *Schöneneberger* (U.S. Patent No. 4,026,545).

Issue 3: Whether Claims 36 and 37 are unpatentable under 35 U.S.C. § 103(a) over *Rorabaugh* in view of *Teague, Jr.* as applied to the claims above, and further in view of *Wilkinson et al* (U.S. Patent No. 5,207,622).

## VII. GROUPING OF CLAIMS

As to the 35 U.S.C. § 103(a) rejection applied against Claims 21-34, it is Appellant's intention that Claims 21-24 and 31-34 stand or fall together. It is Appellant's intention that Claims 25-30 are separately patentable from Claims 21-24 and 31-34. Thus, Appellant intends that Claims 25-30 stand or fall together.

As to the 35 U.S.C. § 103(a) rejection applied against Claims 36 and 37, it is Appellant's intention that the rejected claims stand or fall together.

The only other rejection is applied to a single claim, namely Claim 35.

## VIII. ARGUMENT

### **A. Independent Claims 21 and 31 are separately patentable from Independent Claim 25.**

Appellant respectfully asserts that independent Claims 21 and 31 are separately patentable from independent Claim 25. Claims 21 and 31 recite "a gas spring connected between the support structure and the tread base" whereas Claim 25 recites "lift assist means, connected between the support structure and the tread base . . . ." Claim 25 recites a proper means-plus-function claim as sanctioned by 35 U.S.C. § 112 ¶ 6. Thus, the scope of Claim 25 must be determined from the specifications.

The specification discusses at least two means that perform the recited function in Claim 25. First, on page 15, lines 17-23, the specification refers to the cantilever effect created by the placement and weight of the motor and electrical components. A cantilever effect is caused by the mass displaced toward the front end of the tread base at a predetermined position, such that the weight of the motor acts as a counter balance upon rotation of the tread base. As further described on page 21 lines 10-30 and page 22, lines 1-26, when the tread base is rotated from the first position to the second, stored position, the center of gravity passes through a certain vertical point with the axis of rotation. The location of the center of gravity of the tread base turned clockwise past the vertical point creates a lever arm to hold the tread base in the second position with or without a latching means. The center of gravity is selected to minimize the amount of upward or lifting force needed at the rear end of the tread base.

Of important note is the fact that the prior art dealing with folding treadmill involves *nonmotorized* (i.e., manual) treadmills, whereas, the Appellant's invention preferably comprises a *motorized* treadmill. Naturally, the tread base of a motorized treadmill is significantly heavier than one that is not motorized. For motorized treadmills, assisting the user in lifting the tread base is a substantial problem, whereas for nonmotorized treadmills, lift assists had not heretofore been needed as evidenced by the fact that before the Appellant's invention, lift assists had not previously been used. Thus, a novel feature of the Appellant's invention is the above-described placement of motorized parts such that the center of gravity assists the user in lifting the treadbase and stably retains the treadbase in the upright position.

A second lift assembly means is described on page 25 lines 23-30 and page 26 lines 1-9. This lift assembly comprises a gas spring rotatably attached to the tread base and the support structure. The purpose of the gas spring is to apply a torque force to ease the lifting of the tread

base. With such a torque force applied, the lifting force required by the user is nominal. The lift assist means language in Claim 25 includes both the cantilever counterbalancing effect and the gas spring lift assist and their equivalents. Whereas, the gas spring lift assist is distinctly recited in Claims 21 and 31. Because the lift assembly means are separately patentable from the gas spring lift assist, the Appellant respectfully requests that Claims 21-34 and 31-34 be grouped separately from Claims 25-30.

**B. Issue 1 – Whether Claims 21-34 are unpatentable under 35 U.S.C. § 103(a) over *Rorabaugh* (U.S. Patent No. 4,664,646) in view of *Teague, Jr.* (U.S. Patent No. 4,370,766).**

Claims 21-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,664,646 issued to *Rorabaugh* in view of U.S. Patent No. 4,370,766, issued to *Teague, Jr.* In general terms, *Rorabaugh* discloses a treadmill with support structure and a tread base rotatably attached to the support structure such that the tread base is selectively moveable between an operating position and a storage position. The Examiner acknowledged that *Rorabaugh* does not disclose a gas spring connected between the support structure and the tread base to assist in rotating the tread base between the operating and storage positions. *Teague, Jr.* discloses a panel bed having a gas spring to assist in lifting the bed. The Examiner argues that it would have been obvious to combine *Rorabaugh* with *Teague, Jr.*

Claims 22-24 were also rejected based on *Rorabaugh* which further discloses a motor mechanically coupled to the continuous belt, the tread base has a front end and a rear end wherein the tread base is rotatably attached to the support structure at a point adjacent the front end of the tread base and a flywheel.

In addition, the Examiner rejected Claims 25, 29, and 30, based on *Teague, Jr.*, which further discloses lift assist means and a pneumatic cylinder.

**1. The Examiner impermissibly made broad, conclusory statements based on hindsight that the cited references teach the appealed claim limitations.**

Appellant respectfully asks that because the Examiner has established an insufficient *prima facie* case of nonobviousness, that the Board reverse the Examiner's rejection. In the absence of a proper *prima facie* case of obviousness, an applicant who complies with the other statutory requirements is entitled to a patent. *See In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992).

To set forth a *prima facie* case of obviousness the following elements must be shown, according to M.P.E.P. § 2143:

(1) suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify the reference or combine reference teachings;

(2) ...

(3) the combined references must teach or suggest all the claim limitations of the Appellant's claims.

The mere fact that the references can be combined is not sufficient to establish *prima facie* obviousness unless the prior art, in addition, suggests the desirability of the combination. *See* M.P.E.P. § 2143.01.

When a rejection is based on a combination of prior art references, to be properly combinable, the cited references must teach or suggest some motivation for combining the references in the manner suggested by the Examiner. *See In re Rouffet*, 149 F.3d 1350, 1355, 47 U.S.P.Q.2d 1453, 1456 (Fed. Cir. 1998). The Federal Circuit's recent holding in *In re Dembiczak*, 175 F.3d 994, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999), is instructive on this issue. *Dembiczak* involved a patent on an orange-colored garbage bag, having indicia printed on the

outside of the bag so that, when full, it produces the appearance of a Jack-O-Lantern. Rejecting the claims under Section 103, the Examiner combined orange-colored garbage bags that were found to exist in the prior art with a prior art children's book teaching how to produce Jack-O-Lanterns from lunch sacks by drawing eyes, a nose and a mouth on the lunch sack. Reversing the rejection, the Federal Circuit set forth the following requirements on combining references under Section 103:

Our case law makes clear that the best defense against the subtle but powerful attraction of a hindsight-based obviousness analysis is rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references. [citations omitted] *Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability – the essence of hindsight.* [citations omitted]

We have noted that evidence of a suggestion, teaching, or motivation to combine may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved . . . . *The range of sources available, however, does not diminish the requirement for actual evidence. That is, the showing must be clear and particular.* [citations omitted] *Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence."*

*In re Dembiczak*, 50 U.S.P.Q.2d at 1617 (emphasis added).

As mentioned above, *Rorabaugh* is directed to a support structure and a tread base rotatably attached to the support structure such that the tread base is selectively moveable between an operating position and a storage position. Counsel for Appellant has earnestly studied the *Rorabaugh* patent, but has been unable to find any mention whatsoever, much less any discussion, of the need for a gas spring connected between the support structure and the tread base to assist in rotating the tread base between the operating position and the storage position. Accordingly, the *Rorabaugh* patent provides absolutely no suggestion or motivation for combining the references in the manner suggested by the Examiner.

*Teague, Jr.* discloses a counterbalancing mechanism for a panel bed (*i.e.*, a "Murphy bed") that uses a gas spring as part of the counterbalancing mechanism (Figures 2-4). Again, counsel for Appellant has earnestly studied the *Teague, Jr.* patent, but has found absolutely no reference to any teaching, suggestion or motivation directed, either explicitly or by implication, to the need or desirability of applying the counterbalance mechanism disclosed therein to any other application or field of art.

There is no teaching, suggestion, or motivation, explicit or otherwise in the teaching of *Teague, Jr.* to apply a lift assist to any field other than beds. After briefly summarizing the basic teachings of *Rorabaugh* and *Teague, Jr.*, the Examiner merely made broad conclusory statements, unsupported by any factual basis or support, to the effect that it would have been obvious to combine the teachings of these two references from unrelated fields of art. The fact that the references can be combined to read on the claimed invention is not a sufficient showing. *See Dembiczak*, 50 U.S.P.Q.2d at 1618. "[T]his reference-by-reference, limitation-by-limitation analysis fails to demonstrate how the [prior art] references teach or suggest their combination . . . to yield the claimed invention." *Id.* Again, Appellant has earnestly studied the cited references and has been unable to locate any teaching, suggestion or motivation for combining the references in the manner proposed by the Examiner.

Further, it is improper for the Examiner, with the benefit of hindsight and armed with Appellant's invention as a road map, to indiscriminately pick and choose from among discrete and unrelated parts of the prior art (especially nonanalogous prior art) as a mosaic to recreate a facsimile of Appellant's invention. *Compare Akzo N.V. v. United States*, 808 F.2d 1471 (Fed. Cir. 1986). The Examiner is correct in pointing out that an obviousness analysis "in a sense" requires some hindsight; however, the Court of Customs and Patent Appeals made clear that

such hindsight must take into account the level of knowledge possessed by one skilled in the art at the time the invention was made, and not what the Examiner learns from the disclosure of the application itself.<sup>1</sup> The Examiner has failed to factually determine the level of skill in the art and thus, cannot use hindsight reasoning.

Finally, the Examiner cited to U.S. Patent No. 4,679,787 issued to *Guilbault*, yet made no specific grounds for rejection based on that reference. The Appellant can only surmise that the Examiner was pointing to *Guilbault* in an effort to argue that *Guilbault* suggested the combination of a lift assist with exercise equipment. *Guilbault* discloses a bed with lift assists where the bed can be lifted in a closed position to expose stationary exercise equipment stored underneath the bed. Based on the concern for safety of the users, the *Guilbault* patent emphasizes that the equipment that is chosen for this invention is “firmly fixed in place,” column 5, lines 63-66. Further, once the person is finished exercising, the exercise equipment in *Guilbault* is described as being “collapsible” or “placed in the lowered position,” column 6, lines 5-6, 13-15. Counsel for Appellant has earnestly studied the *Guilbault* patent, but has been unable to find any mention whatsoever, much less any discussion, of the need for a lift assist applied to the stationary exercise equipment. On the contrary, the desirability of not having a lift assist with the stationary exercise equipment is evident in *Guilbault*. Otherwise, the bed would not be able to be opened and hide the exercise equipment. In short, the *Guilbault* patent does not suggest the desirability of the combination as required by M.P.E.P. § 2143.01. Again, the Examiner has cited to a reference that does not teach, suggest, or motivate Appellant’s invention.

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<sup>1</sup> “Any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning, but so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made and does not include knowledge gleaned only from Appellant’s disclosure, such a reconstruction is proper.” *In re McLaughlin*, 443 F.2d 1392, 1395, 170 U.S.P.Q. 209, 212 (C.C.P.A. 1971).



If, as the Examiner asserts, the invention were so obvious then one wonders why a gas lift assist has not been applied to a folding treadmill before the Appellant's invention. Folding treadmills have been in existence for over 90 years (as evidenced by U.S. Patent No. 931,394 issued to *Day*). Yet in all that time, no mention or discussion whatsoever is found in the cited prior art directed to the need or desirability of using a lift assist in moving the tread base between the operating position and the storage position, which the Examiner maintains is so obvious. Presumably, if the invention were so obvious, some teaching or suggestion would be present in the prior art.

For the foregoing reasons, the Appellant respectfully asks that the Examiner's rejection be reversed based on the Examiner's failure to establish a proper *prima facie* case of nonobviousness and that the application be placed in condition for immediate allowance.

**2. The Examiner failed to point out clearly and specifically why the invention would have been obvious to one skilled in the art.**

A *prima facie* case of obviousness can also be based on the conclusion that one of ordinary skill in the art would have been motivated to combine the references. *See Dembiczak*, 50 U.S.P.Q.2d at 1618.

To make such a rejection, the Examiner must make factual findings of fact regarding the level of skill in the art, the relationship between the fields of [treadmills and Murphy beds], respectively, and the particular features of the prior art references that would motivate one of ordinary skill in a particular art to select elements disclosed in references from a wholly different field.

*Id.* (citations omitted).

The Examiner did not explicitly reject any claims on the ground that one of ordinary skill in the art would be motivated to combine the prior art to produce the Appellant's invention. However, it appears that the Examiner is attempting to make this alternative ground for rejection.

In doing so, the Examiner made broad, conclusory arguments such as: “As it is well known to assist user’s [sic] in lifting all fields, and as *Teague*, Jr.] is a well known form of aiding in an assist to a lifter, it is obvious to apply the lifting device, in any such field where an assist is required to the user in lifting.” See Paper No. 17. The Examiner then proceeded to string cite to a number of cases which stand for the proposition that an obviousness rejection should be based on the level of ordinary skill in the art.

The Examiner made no factual findings to support this ground for rejection. Based upon this severe shortcoming, the Appellant asserts that a *prima facie* case based upon this alternative ground is also insufficient and that the Appellant should be awarded patentability given that all of the other statutory requirements are met.

**C. Issue 2 – Whether Claim 35 is unpatentable under 35 U.S.C. § 103(a) over *Rorabaugh* in view of *Teague*, Jr. as applied to the claims above, and further in view of *Schöneneberger* (U.S. Patent No. 4,026,545).**

Claim 35 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rorabaugh* in view of *Teague*, Jr. and further in view of *Schöneneberger*. *Schöneneberger* has been added to show that a latch feature is well known. It is the Appellant’s position that the above combination does not teach the Appellant’s basic inventive concept and that the addition of *Schöneneberger* to show a preferred feature of Appellant’s invention contributes no further to the question of the patentability of the claims.

*Rorabaugh* and *Teague*, Jr. do not specifically detail a latch for securing the folding device. *Schöneneberger*, however, discloses a conventional catch means for securing a tread base when in the storage position. The Examiner argued that in light of *Schöneneberger*, it

would have been obvious to use *Schöneneberger's* catch means when *Rorabaugh* and *Teague, Jr.* devices are in the stored position.

As discussed above, none of the references or any combination thereof describes or suggests the Appellant's invention or how its benefits could be obtained. The Appellant respectfully asks that this rejection be reversed and based on the foregoing discussion of patentability that the application be placed in condition for immediate allowance.

**D. Issue 3 – Whether Claims 36 and 37 are unpatentable under 35 U.S.C. § 103(a) over *Rorabaugh* in view of *Teague, Jr.* as applied to the claims above, and further in view of *Wilkinson et al* (U.S. Patent No. 5,207,622).**

Claims 36-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Rorabaugh* in view of *Teague, Jr.*, and further in view of *Wilkinson et al.* *Wilkinson et al.* has been added to the above combination in rejecting Claims 36-37 for showing that rotatable feet attached to a tread base are well known. It is the Appellant's position that the combination does not teach the Appellants' basic inventive concept and that the addition of *Wilkinson et al.* to show a preferred feature of Appellant's invention contributes no further to the question of the patentability of the claims.

The examiner acknowledges that *Rorabaugh* and *Teague, Jr.* do not disclose feet rotatably coupled to a rear end of a tread base for selectively varying the inclination of the tread base. *Wilkinson et al.* discloses such a feature. The Examiner argues that it would have been obvious to combine the means disclosed in *Wilkinson et al.* for adjusting the inclination of a tread base with *Rorabaugh*.


As discussed above, the limitation of a lift assist was not suggested by any of the cited references and *Wilkinson et al.* adds nothing to the question of whether the lift assist was

anticipated by the prior art. Thus, the additional limitation of feet rotatably coupled to the rear end of the tread base for selectively inclining the tread base should be allowed.

Based on the foregoing, Appellant respectfully requests that the Board reverse the Examiner's rejections and place the application in condition for immediate allowance.

Dated this 11<sup>th</sup> day of July, 2000.

Respectfully submitted,

  
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## **IX. APPENDIX**

### **A. CLAIMS ON APPEAL**

21. A treadmill comprising:

a support structure;

a tread base rotatably attached to the support structure such that the tread base is selectively moveable between an operating position and a storage position; and

a gas spring connected between the support structure and the tread base.

22. The treadmill of claim 21, wherein the tread base includes a continuous belt rotationally coupled to the tread base and wherein the treadmill further comprises a motor mechanically coupled to the continuous belt for driving the continuous belt.

23. The treadmill of claim 22, wherein the tread base has a front end and a rear end and wherein the tread base is rotatably attached to the support at a point adjacent the front end of the tread base.

24. The treadmill of claim 23 further comprising a flywheel mechanically coupled to the motor.

25. A treadmill comprising:
- a support structure;
  - a tread base rotatably attached to the support structure such that the tread base is selectively moveable between an operating position and a storage position; and
  - lift assist means, connected between the support structure and the tread base, for assisting a user in rotating the tread base between the operating position and the storage position.
26. The treadmill of claim 25, wherein the tread base includes a continuous belt rotationally coupled to the tread base and wherein the treadmill further comprises a motor mechanically coupled to the continuous belt for driving the continuous belt.
27. The treadmill of claim 26, wherein the tread base has a front end and a rear end and wherein the tread base is rotatably attached to the support structure at a point adjacent the front end of the tread base.
28. The treadmill of claim 27 further comprising a flywheel mechanically coupled to the motor.
29. The treadmill of claim 25 wherein the lift assist means comprises a gas spring.
30. The treadmill of claim 25 wherein the lift assist means comprises a pneumatic cylinder.

31. A treadmill comprising a tread base rotatably attached to support and a gas spring connected between the tread base and the support for providing an upward force to assist a user in rotating the tread base between an operating position and a storage position.

32. The treadmill of claim 31, wherein the tread base includes a continuous belt rotationally coupled to the tread base and wherein the treadmill further comprises a motor mechanically coupled to the continuous belt for driving the continuous belt.

33. The treadmill of claim 32, wherein the tread base has a front end and a rear end and wherein the tread base is rotatably attached to the support at a point adjacent the front end of the tread base.

34. The treadmill of claim 33 further comprising a flywheel mechanically coupled to the motor.

35. The treadmill of claim 31, 32, 33 or 34 further comprising a latch for selectively securing the tread base to the support when the tread base is placed in the storage position.

36. The treadmill of claim 31, 32, 33 or 34 further comprising inclination means coupled to the tread base for selectively varying the inclination of the tread base.

37. The treadmill of claim 36 wherein the inclination means comprises feet rotatably coupled to a rear end of the tread base for selectively varying the inclination of the tread base.